IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

CRP.No. 1371 of 2000(G)

SM.3/1994 of TALUK LAND BOARD, CHITTUR
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REVN. PETITIONERS:
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1. **SIVASANKARAN NAIR, S/O NARAYINI, CHERUKANDAHU VEEDU, AYILUR, CHITTUR, PALAKKAD.**

2. **REMANI AMMA, CHERUKANDAH VEEDU, AYILUR, CHITTUR, PALAKKAD.**

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY TO GOVERNMENT, THIRUVANANTHAPURAM.**

2. **THE TAHSILDAR, CHITTUR TALUK , PALAKKAD DISTRICT.**

BY GOVERNMENT PLEADER SRI. M.R. SABU.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 1371 OF 2000

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Dated this the 22nd day of March, 2007.

O R D E R

This revision is preferred against the order of the Taluk Land Board, Chittur in S.M.3 of 1994. The case is initiated suo motu by the Taluk Land Board under Section 87 of the Kerala Land Reforms Act. The statutory family for the purpose of the ceiling area consists of one Sivasankaran Nair and his wife Ramani Amma. Sivasankaran Nair acquired 6.70 acres of land in Kairadi village and 12 cents of land in Ayilur village by virtue of 2 documents of the year 1968 and 1985. His wife Ramani Amma acquired 9.27 acres of land as per document No.1804/71. Thus the total extent possessed by the husband and wife comes to 16.09 acres. The authorised officer's report would reveal that majority of the land are garden land, double crop wet land and therefore on conversion of this 16.04 acres would amount to 18.10 std. Acres. The Land Board found that 12 cents of land are to be exempted u/s 81 of the K.L.R. Act and therefore out of 15.97 acres, 12 acres was ordered to be retained and the balance 3.97 acres was ordered to be surrendered.

2. The learned counsel for the revision petitioner would contend that the Taluk Land Board did not approach the problem in the correct legal perspective and therefore it requires interference. He had taken me through Section 82(1)(b) of the Kerala Land Reforms Act. The ceiling area of the land in the case of a family consisting of 2 or more but not more than 5 members, 10 standard acres, so however, that the ceiling area shall not be less than 12 and more than 15 acres in extent. The learned counsel would submit that the statutory family of the declarant is entitled to possess 15 acres and not 12 acres as decided by the Land Tribunal. I feel the said contention cannot be accepted. The Section makes it very clear that a family consisting of husband and wife and three children together can hold a maximum of 10 std. acres. But, even if it exceeds 10 std. acres the law says they must be permitted to possess 12 ordinary acres of land and not below that. But, if the 10 std. acres works out more than 12 acres then it has to be restricted to 12 acres. In the case before me working out of conversion would come to 18.10 std. acres and therefore the Board found that 10 std. acres will be the maximum that can be possessed. But since the law prescribes a minimum of 12 ordinary acres permitted the declarant's family to hold the same

and disposed the matter. It is perfectly in tune with Section 82 of the K.L.R. Act and it does not call for any interference.

3. Then the learned counsel for the revision petitioner would submit that a case was initiated against the former holder of the property from whom Ramani Amma purchased the property and it was dropped and therefore the same property cannot be taken into consideration again for the purpose of fixing the ceiling limit area. Ceiling law is applicable with reference to individuals and not with respect to property. Further, this proceeding is initiated u/s 87 of the K.L.R. Act and therefore the property in possession of the statutory family as enjoined u/s 82 (1)(b) has to be taken into account and the ceiling area has to be calculated. So the said contention also cannot be accepted. No further point arise for consideration in this revision and therefore the C.R.P. lacks merit and the same is dismissed.

M.N. KRISHNAN, JUDGE.

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M.N. KRISHNAN, J.
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C.R.P. NO. 1371 OF 2000
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O R D E R

22nd March, 2007.